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SEP 10 2007

In re Application of
Yousseff
Application No. 09/276,021
Filed: March 25, 1999
Atty. Dkt. No.: 024/1
For: RAPID TRAINING ECHO
CANCELLOR FOR
TELECOMMUNICATIONS SYSTEM

: **OFFICE OF PETITIONS**
:
: UNDER 37 CFR 1.47(b)
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This decision is in response to the renewed petition under 37 CFR 1.47(b) and the petition under 37 CFR 1.137(b), filed February 12, 2007.

DECISION UNDER 37 CFR 1.47(b)

The petition under 37 CFR 1.47(b) is **DISMISSED**.

Petitioner is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(b) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed March 25, 1999 without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application ("Notice") was mailed April 29, 1999 requiring an executed oath or declaration and a surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to

preserve the rights of the parties or to prevent irreparable damages.

The petition fails to satisfy requirement (2) set forth above. A declaration in compliance with 37 CFR 1.63 has not been presented.

The declaration submitted September 9, 1999 (copy of which was provided with the instant petition) is not acceptable as it fails to identify the inventor by address, residence, and citizenship as required under 37 CFR 1.63.

The declaration submitted with the instant petition, while it identifies the inventor by name, residence, and citizenship, fails to identify the inventor's address. Moreover, it has not executed on behalf of the inventor by someone authorized by assignee to do so.

Any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of the inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. See MPEP 409.03(b).

DECISION UNDER 37 CFR 1.137(b)

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned November 23, 2006 for failure to timely reply to the Notice of Allowance (Notice) mailed August 22, 2006. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 23, 2007.

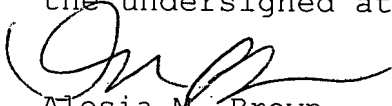
A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal

disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice of Allowance and Issue Fee Due is accepted as having been unintentionally delayed.

This application is being retained in the Office of Petitions pending renewed petition under 37 CFR 1.47.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions